Received: 07/29/2003

2003 DRAFTING REQUEST

Bill

Receive	eceived: 07/29/2003				Received By: dkennedy			
Wanted	: As time perm	its			Identical to LRB: By/Representing: Marsha Dake (aide)			
For: Jef	f Stone (608) 2	266-8590						
This file	e may be shown	to any legislat	or: NO		Drafter: dkenne	dy		
May Co	ontact:				Addl. Drafters:			
Subject	Health	- public health	ı		Extra Copies:	RLR		
Submit	via email: YES							
Request	er's email:	Rep.Stone	@legis.state	e.wi.us				
Carbon	copy (CC:) to:							
Pre To	pic:							
No spec	ific pre topic gi	ven						
Topic:								
Joint loc	cal health depar	tments in Milw	aukee Coun	nty				
Instruc	tions:							
See Atta	ached							
Draftin	g History:							
Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required	
/?	dkennedy 08/06/2003	wjackson 08/14/2003 wjackson 08/15/2003						
/P1	·		pgreensl 08/15/20	03	sbasford 08/15/2003			

Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required
/1	dkennedy 09/02/2003	kfollett 09/03/2003 kfollett 09/04/2003	rschluet 09/04/2003		sbasford 09/04/2003	lnorthro 09/24/2003	

FE Sent For:

<END>

Received By: dkennedy

Received: 07/29/2003

2003 DRAFTING REQUEST

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Subject:	Health ·	· public health			Extra Copies:	RLR			
Submit v	via email: YES	-							
Requeste	er's email:	Rep.Stone	@legis.state	e.wi.us					
Carbon o	copy (CC:) to:								
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Joint loc	al health depar	tments in Milwa	aukee Coun	ty					
Instruct	tions:			- <u> </u>					
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Vers.	<u>Drafted</u>	Reviewed	Typed	<u>Proofed</u>	Submitted	<u>Jacketed</u>	Required		
/?	dkennedy 08/06/2003	wjackson 08/14/2003 wjackson 08/15/2003							
/P1			pgreensl 08/15/200	03	sbasford 08/15/2003				

Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required
/1	dkennedy 09/02/2003	kfollett 09/03/2003 kfollett 09/04/2003	rschluet 09/04/2003	3	sbasford 09/04/2003		
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For: Jef	f Stone (608)	266-8590						
This file	may be shown	n to any legislat	or: NO					
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Subject:	Health	- public health	l ,		Extra Copies:	RLR		
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Joint loc	al health depar	tments in Milw	aukee Coun	aty				
Instruc	tions:						-	
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Draftin	g History:							
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08/15/2003 12:46:55 PM Page 2

<u>Vers.</u> <u>Drafted</u> <u>Reviewed</u> <u>Typed</u> <u>Proofed</u> <u>Submitted</u> <u>Jacketed</u> <u>Required</u>

FE Sent For:

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2003 DRAFTING REQUEST

Bill

Received: 07/29/2003

Wanted: As time permits

For: Jeff Stone (608) 266-8590

This file may be shown to any legislator: NO

May Contact:

Subject:

Health - public health

Submit via email: YES

Requester's email:

Rep.Stone@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Joint local health departments in Milwaukee County

Instructions:

See Attached

Drafting History:

Vers.

Drafted

Reviewed

Submitted

Received By: dkennedy

By/Representing: Marsha Dake (aide)

RLR

Identical to LRB:

Drafter: dkennedy

Addl. Drafters:

Extra Copies:

Jacketed

Required

dkennedy

/p1 WLj 8/15

FE Sent For:

<END>

Kennedy, Debora

From:

Dake, Marsha

Sent:

Tuesday, July 29, 2003 4:03 PM

To:

Kennedy, Debora

Subject:

FW: Memo from Dick Sweet, LCS

Follow Up Flag: Flag Status:

Follow up Flagged

Debora,

Here is the WLC draft on combining municipal health departments, for Rep. Jeff Stone.

Thank you!

Marsha Dake

----Original Message-From:

Mautz, Kelly

Sent:

To:

Tuesday, July 29, 2003 3:25 PM

Dake, Marsha

Subject:

Memo from Dick Sweet, LCS





Kelly S. Mautz

Wisconsin Legislative Council 264-6915 kelly.mautz@legis.state.wi.us



WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director Laura D. Rose, Deputy Director

TO:

REPRESENTATIVE JEFF STONE

FROM:

Richard Sweet, Senior Staff Attorney

RE:

WLC: 0205/1 (Multiple Municipal Local Health Departments)

DATE:

July 2, 2003

Attached is a draft prepared at your request--WLC: 0205/1, relating to multiple municipal local health departments in counties with a population over 500,000.

Under current law, in a county with a population of 500,000 or more (Milwaukee County), the governing body of each city or village must establish a local health department or contract with the local health department of another city or village in Milwaukee County to have that local health department provide services. WLC: 0205/1 provides that in Milwaukee County, the governing body of a city or village may, in concert with the governing body of another city or village in Milwaukee County, establish a multiple municipal local health department. Currently, the only reference in ch. 251, Stats., to multiple municipal local health departments specifically authorizes them only in Racine County (described statutorily as a county with a population between 100,000 and 500,000 and which abolished a county health commission or committee by July 1, 1985).

The draft provides that in establishing a multiple municipal local health department in Milwaukee County, the relevant governing bodies (common councils and village boards) must agree on how many members of the local board of health are appointed by each governing body and how many of the appointees are to be members who are not elected officials or employees of the governing bodies. The members of the local board of health would be appointed by those governing bodies. In addition, the draft provides that the local health officer for a multiple municipal local health department in Milwaukee County is to be appointed by the local board of health.

The draft further provides that after establishing a multiple municipal local health department in Milwaukee County, the governing body of any participating city or village may withdraw by giving written notice to the board of health and to the governing bodies of all other participating cities and villages. The notice must be given at least one year prior to commencement of the fiscal year in which the withdrawal takes effect. This is the same procedure used under current law for a county to withdraw

from a multiple county health department or for a city to withdraw from a city-county health department.

Feel free to contact me if I can be of further assistance.

RNS:ksm

RNS:j	al:ksm	ı;ksm
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07/01/2003

1	AN ACT to amend 251.02 (2), 251.03 (4r), 251.04 (1), (2) and (3), 251.06 (4) (c),
2	251.12, 251.125 and 251.15 (3); and to create 251.02 (2m) and 251.15 (2m) of the
3	statutes; relating to: multiple municipal local health departments in counties with a
4	population over 500,000.
	The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:
5	SECTION 1. 251.02 (2) of the statutes is amended to read:
6	251.02 (2) In Except as provided in sub. (2m), in a county with a population of 500,000
7	or more, the governing body of each city or village shall establish a local health department
8	that meets the requirements of this chapter or shall contract with the local health department
9	of another city or village in the county to have that local health department provide services
10	in the city or village.
11	SECTION 2. 251.02 (2m) of the statutes is created to read:
12	251.02 (2m) In a county with a population of 500,000 or more, the governing body of
13	a city or village in that county may, in concert with the governing body of another city or
14	village in that county, establish a multiple municipal local health department.
15	SECTION 3. 251.03 (4r) of the statutes is amended to read:
16	251.03 (4r) Subsections (1) to (4m) do not apply to a city, village or town that
17	establishes a multiple municipal local health department under s. 251.02 (2m) or (3r). In
18	establishing a multiple municipal local health department as described under s. 251.02 (2m)
19	or (3r), the relevant governing bodies shall agree on how many members of the local board
20	of health are appointed by each governing body and how many of each governing body's

appointees shall be members who are not elected officials or employees of the governing body.
The members shall be appointed by the relevant governing bodies. A local board of health
under this subsection shall elect a chairperson and clerk.

SECTION 4. 251.04 (1), (2) and (3) of the statutes are amended to read:

251.04 (1) Except as authorized in s. 251.02 (2m), (3m) and (3r), a city board of health shall govern a city health department, a county board of health shall govern a county health department or multiple county health department, and a city-county board of health shall govern a city-county health department. A city board of health, a county board of health, a city-county board of health, or a board of health for a local health department as authorized in s. 251.02 (2m), (3m) and (3r) shall assure the enforcement of state public health statutes and public health rules of the department as prescribed for a Level I local health department. A local board of health may contract or subcontract with a public or private entity to provide public health services. The contractor's staff shall meet the appropriate qualifications for positions in a Level I local health department.

- (2) A city or county board of health or a board of health for a local health department as authorized in s. 251.02 (2m), (3m) or (3r) shall assure that its local health department is a Level I, Level II or Level III local health department, as specified in s. 251.05 (1).
- (3) A city or county board of health or a board of health for a local health department as authorized in s. 251.02 (2m), (3m) or (3r) may adopt those regulations, for its own guidance and for the governance of the local health department, that it considers necessary to protect and improve public health. The regulations may be no less stringent than, and may not conflict with, state statutes and rules of the department.

SECTION 5. 251.06 (4) (c) of the statutes is amended to read:

1	251.06 (4) (c) A local health officer of a village or town health department established
2	under s. 251.02 (3m) and a local health officer of a multiple municipal local health department
3	established under s. 251.02 (2m) or (3r) shall be appointed by the local board of health.
4	SECTION 6. 251.12 of the statutes is amended to read:
5	251.12 City health department, how financed. The common council shall
6	appropriate funds for the operation of a city health department that is established as specified
7	in s. 251.02 (1) and (2) and for the operation of a multiple municipal local health department
8	that is established under s. 251.02 (2m) or (3r) by the governing body of a city in concert with
9	the governing body of another city or a village or town.
10	SECTION 7. 251.125 of the statutes is amended to read:
11	251.125 Village health department, how financed. If a village health department is
12	established under s. 251.02 (2) or (3m) or if a multiple municipal local health department is
13	established under s. 251.02 (2m) or (3r) by the governing body of a village in concert with the
14	governing body of another village or a city or town, the village board shall appropriate funds
15	for the operation of the department.
16	SECTION 8. 251.15 (2m) of the statutes is created to read:
17	251.15 (2m) After establishing a multiple municipal local health department under s.
18	51.02 (2m), the governing body of any participating city or village may withdraw by giving
19	written notice to the local board of health and to the governing bodies of all other participating
20	cities and villages.
21	SECTION 9. 251.15 (3) of the statutes is amended to read:
22	251.15 (3) The notice under sub. (1) or, (2) or (2m) shall be given at least one year prior
23	to commencement of the fiscal year at which the withdrawal takes effect. Whenever the
24	withdrawal of any county or city from a city-county or multiple county health department

WLC: 0205/1

takes effect, or whenever the withdrawal of a city or village from a multiple municipal local

health department under sub. (2m) takes effect, all provisions of law relating to local boards

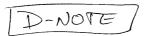
of health and local health officers shall immediately become applicable within the county officers of village.

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(END)

(300N- Lu edit 8/6)

2003 - 2004 LEGISLATURE





PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION





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AN ACT ...; relating to: city-village, city-city, and village-village health departments in Milwaukee County.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided on a subsequent version.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 1. 40.21 (3n) of the statutes is created to read:

40.21 (3n) A city-village, city-city, or village-village health department that is established under s. 251.02 (2) (b), and that is not otherwise a participating employer, is a participating employer with respect to its employees who are included in a collective bargaining unit for which a representative is recognized or certified under subch. IV of ch. 111 and is not required to adopt a resoluting electing to participate in the Wisconsin retirement system or provide notice of such election to the department under sub. (1).

SECTION 2	2. 46.56 (3) (b) 6.	of the statutes is	amended to rea	ıd:
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46.56 (3) (b) 6. Representatives of the county health department established under s. 251.02 (1) er; city-county health department established under s. 251.02 (1m); or city-village, city-city, or village-village health department established under s. 251.02 (2) (b).

History: 1989 a. 31; 1993 a. 27, 399, 446; 1995 a. 27 ss. 2317, 2318, 9130 (4), 9145 (1); 1995 a. 77, 201; 1997 a. 3, 27, 114, 164; 2001 a. 16. SECTION 3. 66.0301 (1) (a) of the statutes is amended to read:

department or agency thereof, or any city, village, town, county, school district, public library system, public inland lake protection and rehabilitation district, sanitary district, farm drainage district, metropolitan sewerage district, sewer utility district, solid waste management system created under s. 59.70 (2), local exposition district created under subch. II of ch. 229, local professional baseball park district created under subch. IV of ch. 229, local professional football stadium district created under subch. IV of ch. 229, a local cultural arts district created under subch. V of ch. 229, family care district under s. 46.2895, water utility district, mosquito control district, municipal electric company, county or city transit commission, commission created by contract under this section, taxation district, regional planning commission, or city—county, city—village, city—city, or village—village health department.

History: 1999 a. 150 ss. 348, 349, 352, 353; 1999 a. 167 s. 38; 2001 a. 16, 30.

SECTION 4. 250.01 (4) (b) of the statutes is amended to read:

250.01 (4) (b) In a county with a population of 500,000 or more, a city health department or a, village, city-village, city-city, or village-village health department established under s. 251.02 (2).

History: 1993 a. 27 ss. 162, 322, 449; 1995 a. 27 s. 9126 (19); 1999 a. 9, 22; 2001 a. 16, 109.

SECTION 5. 251.02 (2) of the statutes is renumbered 251.02 (2) (a) (intro.) and amended to read:

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Except as provided in s. 251.06 (4)(c) 3.,

SECTION 6

Except as provided in 5. 251.06(4)(c) 3.,

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b. The cities, with respect to governance of a city-city health department and the board of health for the health department.

c. The villages, with respect to governance of a village-village health

SECTION 7. 251.02 (2c) of the statutes is created to read:

department and the board of health for the health department.

251.02 (2c) If a city that assigns represented employees to its city health department and if a village that assigns represented employees to its village health department jointly establish a city-village health department under an agreement specified under sub. (2) (a), all of the following shall apply, but only if the represented employees at the city health department and at the village health department who perform similar functions are included in collective bargaining units that are represented by the same representative:

- (a) The city-village health department shall offer employment to all city and village employees who are represented employees and who perform functions for the city and village that are transferred to the city-village health department in the agreement under sub. (2) (2).
- (b) Notwithstanding s. 111.70 (4) (d), if, in any collective bargaining unit that is initially created at the city-village health department, all of the former city and village employees were represented by the same representative when they were employed by the city or village, that representative shall become the initial representative of the employees in the collective bargaining unit without the necessity of filing a petition or conducting an election.
- (c) Unless otherwise prohibited by law, with respect to city-village health department employees who were formerly represented employees at the city or village, the city-village health department shall adhere to the terms of the collective

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bargaining agreements that covered these employees while they were employed by the city or village until such time that the city-village health department and the representative of the employees have entered into a collective bargaining agreement.

Section 8. 251.02 (2d) of the statutes is created to read:

251.02 (2d) If a city that assigns represented employees to its city health department and if another city that assigns represented employees to its city health department jointly establish a city-city health department under an agreement specified under sub. (2) (2), all of the following shall apply, but only if the represented employees at the (two city health departments who perform similar functions are included in collective bargaining units that are represented by the same representative:

- (a) The city-city health department shall offer employment to all city employees who are represented employees and who perform functions for the cities that are transferred to the city-city health department in the agreement under sub. (2) (3).
- (b) Notwithstanding s. 111.70 (4) (d), if, in any collective bargaining unit that is initially created at the city-city health department, all of the former city employees were represented by the same representative when they were employed by the cities, that representative shall become the initial representative of the employees in the collective bargaining unit without the necessity of filing a petition or conducting an election.
- (c) Unless otherwise prohibited by law, with respect to city-city health department employees who were formerly represented employees at one of the cities, the city-city health department shall adhere to the terms of the collective bargaining agreements that covered these employees while they were employed by one of the

SECTION 8

cities until such time that the city-city health department and the representative of the employees have entered into a collective bargaining agreement.

Section 9. 251.02 (2e) of the statutes is created to read:

251.02 (2e) If a village that assigns represented employees to its village health department and if another village that assigns represented employees to its village health department jointly establish a village-village health department under an agreement specified under sub. (2) (2), all of the following shall apply, but only if the represented employees at the village health departments who perform similar functions are included in collective bargaining units that are represented by the same representative:

- (a) The village-village health department shall offer employment to all village employees who are represented employees and who perform functions for the villages that are transferred to the village-village health department in the agreement under sub. (2) (3).
- (b) Notwithstanding s. 111.70 (4) (d), if, in any collective bargaining unit that is initially created at the village–village health department, all of the former village employees were represented by the same representative when they were employed by the villages, that representative shall become the initial representative of the employees in the collective bargaining unit without the necessity of filing a petition or conducting an election.
- (c) Unless otherwise prohibited by law, with respect to village-village health department employees who were formerly represented employees at one of the villages, the village-village health department shall adhere to the terms of the collective bargaining agreements that covered these employees while they were employed by one of the villages until such time that the village-village health

department and the representative of the employees have entered into a collective bargaining agreement.

Section 10. 251.03 (3) of the statutes is amended to read:

251.03 (3) In establishing a city-county or, multiple county, city-village, city-city, or village-village health department, the relevant governing bodies shall agree on how many members of the local board of health are appointed by each governing body and how many of each governing body's appointees shall be members who are not elected officials or employees of the governing body. The members shall be appointed as specified in sub. (2).

History: 1993 a. 27; 1999 a. 9.

SECTION 11. 251.04 (1) of the statutes is amended to read:

251.04 (1) Except as authorized in s. 251.02 (3m) and (3r), a city board of health shall govern a city health department, a county board of health shall govern a county health department, and a city-county board of health shall govern a city-county health department, a city-village board of health shall govern a city-village health department, a city-city board of health shall govern a city-city health department, and a village-village board of health shall govern a village-village health department. A city board of health, a county board of health, a city-city board of health, a city-city board of health, a city-city board of health, a village-village board of health, or a board of health for a local health department as authorized in s. 251.02 (3m) and (3r) shall assure the enforcement of state public health statutes and public health rules of the department as prescribed for a Level I local health department. A local board of health may contract or subcontract with a public or private entity to provide public health

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services. The contractor's staff shall meet the appropriate qualifications for positions in a Level I local health department.

History: 1993 a. 27 ss. 261, 264, 463; 1997 a. 114; 1999 a. 9, 185; 2001 a. 16.

SECTION 12. 251.04 (2) of the statutes is amended to read:

251.04 (2) A city er, county, city-county, city-village, city-city, or village-village board of health or a board of health for a local health department as authorized in s. 251.02 (3m) or (3r) shall assure that its local health department is a Level I, Level II or Level III local health department, as specified in s. 251.05 (1).

History: 1993 a. 27 ss. 261, 264, 463; 1997 a. 114; 1999 a. 9, 185; 2001 a. 16.

SECTION 13. 251.04 (3) of the statutes is amended to read:

251.04 (3) A city or county, city-county, city-village, city-city, or village-village board of health or a board of health for a local health department as authorized in s. 251.02 (3m) or (3r) may adopt those regulations, for its own guidance and for the governance of the local health department, that it considers necessary to protect and improve public health. The regulations may be no less stringent than, and may not conflict with, state statutes and rules of the department.

History: 1993 a. 27 ss. 261, 264, 463; 1997 a. 114; 1999 a. 9, 185; 2001 a. 16.

SECTION 14. 251.06 (4) (c) of the statutes is renumbered 251.06 (4) (c) (intro.)

and amended to read:

251.06 (4) (c) (intro.)—A Each of the following shall be appointed by the local board of health: 1. A local health officer of a village or town health department established under s. 251.02 (3m) and a 12. A local health officer of a multiple municipal local health department established under s. 251.02 (3r) shall be appointed by the local board of health:

History: 1993 a. 27 ss. 203, 209, 266, 465; 1993 a. 106; 1995 a. 201; 1997 a. 114; 1999 a. 9.

SECTION 15. 251.06 (4) (c) 3. of the statutes is created to read:

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[2]

DAK:..:.. SECTION 15

1	251.06 (4) (c) 3.	A local health officer of a city-county health department
2	established under s. 25	51.02 (1m).

SECTION 16. 251.06 (4) (c) 4. of the statutes is created to read:

251.06 (4) (c) 4. A local health officer of a city-village, city-city, or village-village health department established under s. 251.02 (2) (b).

Section 17. 251.08 of the statutes is amended to read:

251.08 Jurisdiction of local health department. The jurisdiction of the local health department shall extend to the entire area represented by the governing body of the county, city, village or town that established the local health department, except that the jurisdiction of a single or multiple county health department or of a city-county, city-village, city-city, or village-village health department does not extend to cities, villages and towns that have local health departments. Cities, towns and villages having local health departments may by vote of their local boards of health determine to come under the jurisdiction of the county health department. No part of any expense incurred under this section by a county health department may be levied against any property within any city, village or town that has a local health department and that has not determined to come under the jurisdiction of the county health department.

History: 1993 a. 27 s. 213; 2001 a. 16.

SECTION 18. 251.12 of the statutes is amended to read:

251.12 City health department, how financed. The common council shall appropriate funds for the operation of a city health department that is established as specified in s. 251.02 (1) and (2) and (a), for the operation of a multiple municipal local health department that is established under s. 251.02 (3r) by the governing body of a city in concert with the governing body of another city or a village or town,

1	and for the operation of a city-village or city-city health department that is
2	established under s. 251.02 (2) (b) by the governing body of a city in concert with the
3	governing body of another city or a village

History: 1993 a. 27; 1999 a. 9.

SECTION 19. 251.125 of the statutes is amended to read:

251.125 Village health department, how financed. If a village health department is established under s. 251.02 (2) (a) or (3m) or, if a multiple municipal local health department is established under s. 251.02 (3r) by the governing body of a village in concert with the governing body of another village or a city or town, or if a city-village or village-village health department is established under s. 251.02 (2) (b), the village board shall appropriate funds for the operation of the department.

History: 1993 a. 27; 1999 a. 9, 185.

SECTION 20. 251.15 (2m) of the statutes is created to read:

251.15 (2m) A city that had established a local health department prior to deciding to participate in a city-village or city-city health department established under s. 251.02 (2) (b) may withdraw from the city-village or city-city health department if the common council of the city gives written notice to the common council of the other participating city or to the village board of the participating village.

Section 21. 251.15 (2n) of the statutes is created to read:

251.15 (2n) A village that had established a local health department prior to deciding to participate in a city-village or village-village health department established under s. 251.02 (2) (b) may withdraw from the city-village or village-village health department if the village board of the village gives written notice to the common council of the participating city or to the village board of the other participating village.

Section 22.	251.15 (3) of the statutes is amended t	o read:
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251.15 (3) The notice under sub. (1) or_* (2), (2m), or (2n) shall be given at least one year prior to commencement of the fiscal year at which the withdrawal takes effect. Whenever the withdrawal of any county or city from a city county or multiple county health department takes effect, all relevant provisions of law relating to local boards of health and local health officers shall immediately become applicable within the county or, city, or village.

History: 1993 a. 27 s. 220; 2001 a. 16.

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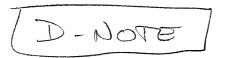
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(END)



DAK:...:

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

INSERT A

To Stonator Paston?

I have drafted this bill in preliminary form; to afford you the opportunity to review and revise it before introduction. In drafting mergers or consolidations by municipalities for the creation of jointly run local health departments, several issues arise. The statutes present two differing treatments: in Racine County, village and town health departments and multiple municipal health departments are treated fairly cursorily; in Dane County, the proposed merger between Dane County and the City of Madison is treated extensively. After speaking with furt Wytinski of the League of Wisconsing With the League of Wisconsing appropriate for mergers in Milwaukee County. The following is a list, which is not exhaustive, of the kinds of issues involved with the Dane County—Madison merger and an explanation of the manner in which I treated them in this draft, and, if relevant, other options for treatment that exist in current law:

- 1. Establishment of the merged health department. Because s. 251.02 (2), stats., specifically requires each city or village in Milwaukee County to establish a health department or contract with another city or village for that city's or village's health department services, I thought that it would be appropriate to specify (in s. 251.02 (2) (b) in the draft) the decision—making process for the powers and duties of the merged health department, the merged board of health, and the respective powers and duties for each city or village that merges, as is done in s. 251.02 (1m), stats., for the Dane—Madison merger. An alternative option is the treatment in s. 251.02 (3r), for mergers in Racine County, which does not specify a decision—making process.
- 2. Represented employees; retention. I included provisions concerning retention of represented employees, as was done under ss. 40.21 (3m), 46.56 (3) (b) 6., and 251.02 (1r), stats., for Dane-Madison. Racine County mergers have no such employee protections. I am uncertain whether you feel that these protections are appropriate, and wanted, for Milwaukee mergers. For instance, they would appear to require the retention of both persons who may currently be serving as local health officers; they may, however, be necessary if current employees of any of the merging municipalities are under collective bargaining agreements.
- 3. Board of health membership. Please see my/amendment of s. 251.03 (3), stats., which follows a model for multiple-county and Dane Madison mergers.

faud I have drafted this preliminary draft with that Possibility in mind

County

Decisionmaking for membership of the local board of health is not specified in the statutes for Racine County mergers.

- 4. Governance. Please see my amendment of s. 251.04 (2), stats.; this statute sets a model for all health departments except those in Racine County, for which governance is not specified.
- 5. Appointment of local health officer. Please see the creation of ss. 251.02 (2) (b) 3. a., b., and c. and 251.06 (4) (c) 3. in this draft. These provisions require the local board of health to appoint the local health officer, as is currently required in Racine County. Other alternatives are for appointment by the chief executive officer of a city or village (see s. 251.03 (2), stats.) or as agreed upon by the merging municipalities (see s. 251.03 (1m) (c), stats.) (Dane Madison).

Please let me know if I may provide you with further assistance with regard to this draft.

Debora A. Kennedy Managing Attorney Phone: (608) 266–0137

E-mail: debora.kennedy@legis.state.wi.us

(600-200-3561)
INSERT A
Xt.
vol your office has provided me men a proposed
draft by Dick Sweet of the Logislative
Council; That draft treats the issues as is
done for Racine County o However, it is
possible that

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-3060/P1dn DAK:wlj:pg

August 15, 2003

To Representative Stone:

I have drafted this bill in preliminary form to afford you the opportunity to review and revise it before introduction. In drafting mergers or consolidations by municipalities for the creation of jointly run local health departments, several issues arise. The statutes present two differing treatments: in Racine County, village and town health departments and multiple municipal health departments are treated fairly cursorily; in Dane County, the proposed merger between Dane County and the City of Madison is treated extensively. Your office has provided me with a proposed draft by Dick Sweet, of the Legislative Council; that draft treats the issues as is done for Racine County. However, it is possible that a more extensive treatment would be appropriate for mergers in Milwaukee County, and I have drafted this preliminary draft with that possibility in mind. The following is a list, which is not exhaustive, of the kinds of issues involved with the Dane County–Madison merger and an explanation of the manner in which I treated them in this draft, and, if relevant, other options for treatment that exist in current law:

- 1. Establishment of the merged health department. Because s. 251.02 (2), stats., specifically requires each city or village in Milwaukee County to establish a health department or contract with another city or village for that city's or village's health department services, I thought that it would be appropriate to specify (in s. 251.02 (2) (b) in the draft) the decision—making process for the powers and duties of the merged health department, the merged board of health, and the respective powers and duties for each city or village that merges, as is done in s. 251.02 (1m), stats., for the Dane County—Madison merger. An alternative option is the treatment in s. 251.02 (3r), for mergers in Racine County, which does not specify a decision—making process.
- 2. Represented employees; retention. I included provisions concerning retention of represented employees, as was done under ss. 40.21 (3m), 46.56 (3) (b) 6., and 251.02 (1r), stats., for Dane County–Madison. Racine County mergers have no such employee protections. I am uncertain whether you feel that these protections are appropriate, and wanted, for Milwaukee mergers. For instance, they would appear to require the retention of both persons who may currently be serving as local health officers; they may, however, be necessary if current employees of any of the merging municipalities are under collective bargaining agreements.

- 3. Board of health membership. Please see my amendment of s. 251.03 (3), stats., which follows a model for multiple—county and Dane County—Madison mergers. Decision making for membership of the local board of health is not specified in the statutes for Racine County mergers.
- 4. Governance. Please see my amendment of s. 251.04 (2), stats.; this statute sets a model for all health departments except those in Racine County, for which governance is not specified.
- 5. Appointment of local health officer. Please see the creation of ss. 251.02 (2) (b) 3. a., b., and c. and 251.06 (4) (c) 3. in this draft. These provisions require the local board of health to appoint the local health officer, as is currently required in Racine County. Other alternatives are for appointment by the chief executive officer of a city or village (see s. 251.03 (2), stats.) or as agreed upon by the merging municipalities (see s. 251.03 (1m) (c), stats.) (Dane County–Madison).

Please let me know if I may provide you with further assistance with regard to this draft.

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State of Misconsin 2003 – 2004 LEGISLATURE

D-N07E

DAK: Wajung

PRELIMINARY DRAFT (NOT READY FOR INTRODUCTION

muetiple municipal local

(Legen)

REGINERATE

- 1 AN ACT to renumber and amend 251.02 (2) and 251.06 (4) (c); to amend 46.56
- 2 (3) (b) 6., 66.0301 (1) (a), 250.01 (4) (b), 251.03 (3), 251.04 (1), 251.04 (2), 251.04
- 3 (3), 251.08, 251.12, 251, 125 and 251.15 (3); and to create 40.21 (3n), 251.02 (2)
- 4 (b), 251.02 (2c), 251.02 (2d), 251.02 (2e), 251.06 (4) (c) 3., 251.06 (4) (c) 4., 251.15
 - (2m) and 251.15 (2n) of the statutes; relating to: city-village, city-city, and
- 6 village health departments in Milwaukee County.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided on a subsequent version.

INSTRI

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 7 Section 1. 40.21 (3n) of the statutes is created to read:
- 8 40.21 (3n) A city-village, city-city, or village-village health department that
- 9 is established under s. 251.02 (2) (b), and that is not otherwise a participating

employer, is a participating employer with respect to its employees who are included in a collective bargaining unit for which a representative is recognized or certified under subch. IV of ch. 111 and is not required to adopt a resolution electing to participate in the Wisconsin retirement system or provide notice of such election to the department under sub. (1).

SECTION 2. 46.56 (3) (b) 6. of the statutes is amended to read:

46.56 (3) (b) 6. Representatives of the county health department established under s. 251.02 (1) or; city-county health department established under s. 251.02 (1m); or city-village, city-city, or village-village health department established under s. 251.02 (2) (b).

SECTION 3. 66.0301 (1) (a) of the statutes is amended to read:

department or agency thereof, or any city, village, town, county, school district, public library system, public inland lake protection and rehabilitation district, sanitary district, farm drainage district, metropolitan sewerage district, sewer utility district, solid waste management system created under s. 59.70 (2), local exposition district created under subch. II of ch. 229, local professional baseball park district created under subch. III of ch. 229, local professional football stadium district created under subch. IV of ch. 229, a local cultural arts district created under subch. V of ch. 229, family care district under s. 46.2895, water utility district, mosquito control district, municipal electric company, county or city transit commission, commission created by contract under this section, taxation district, regional planning commission, or city—county, city—village, city—city, or village—village health department.

SECTION 4: 250.01 (4) (b) of the statutes is amended to read:

1	250.01 (4) (b) In a county with a population of 500,000 or more, a city health
(2)	department or a, village, city city city village village health department
3	established under s. 251.02 (2).
4	SECTION 251.02 (2) of the statutes is renumbered 251.02 (2) (a) (intro.) and
5	amended to read:
6	251.02 (2) (a) (intro.) In Except as provided in par. (b), in a county with a
7	population of 500,000 or more, the governing body of each city or village shall
8	establish do one of the following:
9	1. Establish a local health department that meets the requirements of this
10	chapter or shall contract. [multiple municipal]
11	2. Contract with the local health department of another city or village in the
12	county to have that local health department provide services in the city or village.
13	SECTION 6. 251.02 (2) (b) of the statutes is created to read:
14	251.02 (2) (b) In a county with a population of 500,000 or more, the governing
15	body of a city or village may establish, jointly with the governing body of another city
16)	or village, a city sity city city of village willage health department that meets
17	the requirements of this chapter. Each such health department under this
18	paragraph shall serve all areas of the respective city and village, cities, or villages
19	that establish the health department. Each such health department under this
20	paragraph is subject to the control of the city and village, cities, or villages that
21	establish the health department, acting jointly under an agreement entered into
22	under s. 66.0301 that specifies, in conformity with this chapter, all of the following:
23	1. The powers and duties of the city-village, city-city, or village-village health
24	department.

1	2. The powers and duties of the city-village, city-city, or village-village board
2	of health for the health department.
3	3. The relative powers and duties of all of the following:
4	a. Except as provided in s. 251.06 (4) (c) 3., the city and village, with respect
5	to governance of a city-village health department and the board of health for the
6	health department.
7	b. Except as provided in s. 251.06 (4) (c) 3., the cities, with respect to governance
8	of a city-city health department and the board of health for the health department.
9	c Except as provided in s. 251.06 (4) (c) 3., the villages, with respect to
10	governance of a village-village health department and the board of health for the
11/	health department.
12	SECTION 7. 251.02 (2c) of the statutes is created to read:
13	251.02 (2c) If a city that assigns represented employees to its city health
14	department and if a village that assigns represented employees to its village health
15	department jointly establish a city-village health department under an agreement
16	specified under sub. (2) (b), all of the following shall apply, but only if the represented
17	employees at the city health department and at the village health department who
18	perform similar functions are included in collective bargaining units that are
19	represented by the same representative:
20	(a) The city-village health department shall offer employment to all city and
21	village employees who are represented employees and who perform functions for the
22	city and village that are transferred to the city-village health department in the
23	agreement under sub. (2) (b).
24	(b) Notwithstanding s. 111.70 (4) (d), if, in any collective bargaining unit that

is initially created at the city-village health department, all of the former city and

- village employees were represented by the same representative when they were employed by the city or village, that representative shall become the initial representative of the employees in the collective bargaining unit without the necessity of filing a petition or conducting an election.
- (c) Unless otherwise prohibited by law, with respect to city-village health department employees who were formerly represented employees at the city or village, the city-village health department shall adhere to the terms of the collective bargaining agreements that covered these employees while they were employed by the city or village until such time that the city-village health department and the representative of the employees have entered into a collective bargaining agreement.

Section 8. 251.02 (2d) of the statutes is created to read:

251.02 (2d) If a city that assigns represented employees to its city health department and if another city that assigns represented employees to its city health department jointly establish a city-city health department under an agreement specified under sub. (2) (b), all of the following shall apply, but only if the represented employees at the 2 city health departments who perform similar functions are included in collective bargaining units that are represented by the same representative:

- (a) The city-city health department shall offer employment to all city employees who are represented employees and who perform functions for the cities that are transferred to the city-city health department in the agreement under sub. (2) (b).
- (b) Notwithstanding s. 111.70 (4) (d), if, in any collective bargaining unit that is initially created at the city-city health department, all of the former city employees were represented by the same representative when they were employed

by the cities, that representative shall become the initial representative of the employees in the collective bargaining unit without the necessity of filing a petition or conducting an election.

(c) Unless otherwise prohibited by law, with respect to city-city health department employees who were formerly represented employees at one of the cities, the city-city health department shall adhere to the terms of the collective bargaining agreements that covered these employees while they were employed by one of the cities until such time that the city-city health department and the representative of the employees have entered into a collective bargaining agreement.

SECTION 9. 251.02 (2e) of the statutes is created to read:

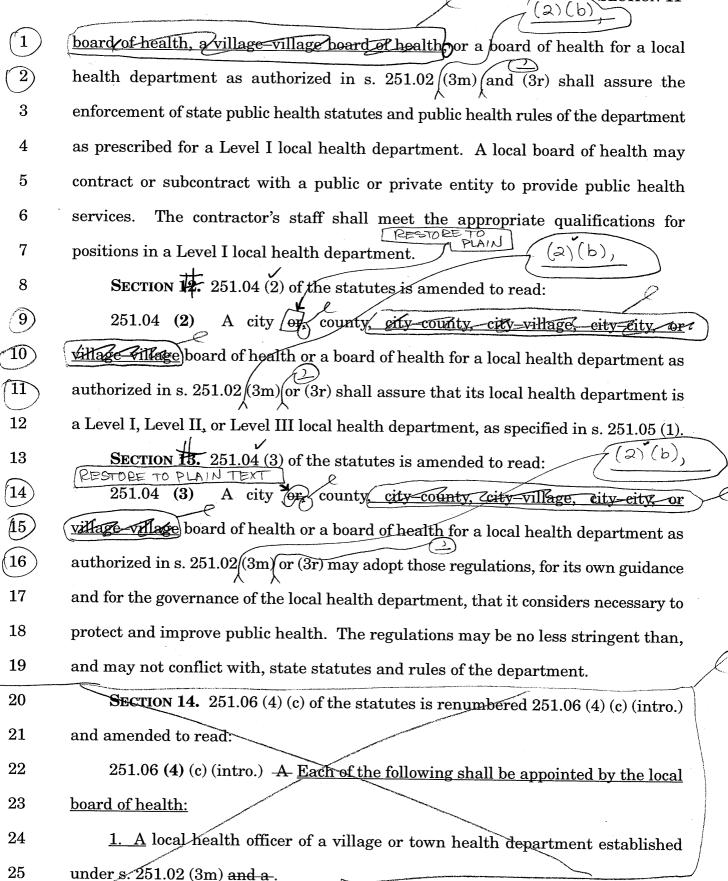
251.02 (2e) If a village that assigns represented employees to its village health department and if another village that assigns represented employees to its village health department jointly establish a village-village health department under an agreement specified under sub. (2) (b), all of the following shall apply, but only if the represented employees at the 2 village health departments who perform similar functions are included in collective bargaining units that are represented by the same representative:

- (a) The village-village health department shall offer employment to all village employees who are represented employees and who perform functions for the villages that are transferred to the village-village health department in the agreement under sub. (2) (b).
- (b) Notwithstanding s. 111.70 (4) (d), if, in any collective bargaining unit that is initially created at the village-village health department, all of the former village employees were represented by the same representative when they were employed by the villages, that representative shall become the initial representative of the

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employees in the collective bargaining unit without the necessity of filing a petition 1 2 or conducting an election. (c) Unless otherwise prohibited by law, with respect to village-village health 3 department employees who were formerly represented employees at one of the 4 villages, the village-village health department shall adhere to the terms of the 5 collective bargaining agreements that covered these employees while they were 6 employed by one of the villages until such time that the village-village health 7 department and the representative of the employees have entered into a collective 8 9 bargaining agreement. SECTION 10. 251.03 (3) of the statutes is amended to read: 10 11 In establishing a city-county or multiple county, city-village, city-city, or village-village health department, the relevant governing bodies shall 12 agree on how many members of the local board of health are appointed by each 13 governing body and how many of each governing body's appointees shall be members 14 who are not elected officials or employees of the governing body. The members shall 15 be appointed as specified in sub. (2). 16 (2)(6), **SECTION 1.** 251.04 (1) of the statutes is amended to read: 17 251.04 (1) Except as authorized in s. 251.02/(3m) and (3r), a city board of health 18 shall govern a city health department, a county board of health shall govern a county 19 health department or multiple county health department, and a city-county board 20 of health shall govern a city-county health department, a city-village board of health 21 shall govern a city-village health department, a city-city board of health shall 22 govern a city-city health department, and a village-village board-of health shall 23 govern a village-village health department A city board of health, a county board 24 of health, a city-county board of health, a city-city 25

SECTION 11



1	2. A local health officer of a multiple municipal local health department
2	established under s. 251.02 (3r) shall be appointed by the local board of health.
3	SECTION 15. 251.06 (4) (c) 3. of the statutes is created to read:
4	251.06 (4) (c) 3. A local health officer of a city-county health department
5	established under s. 251.02 (1m).
6	SECTION 16. 251.06 (4) (c) 4. of the statutes is created to read:
7	251.06 (4) (c) 4. A local health officer of a city-village, city-city, or
8	village-village health department established under s 251 02 (2) (b)

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SECTION 17. 251.08 of the statutes is amended to read:

251.08 Jurisdiction of local health department. The jurisdiction of the local health department shall extend to the entire area represented by the governing body of the county, city, village, or town that established the local health department, except that the jurisdiction of a single or multiple county health department or of a city-county, city-village, city-city, or village-village health department does not extend to cities, villages, and towns that have local health departments. Cities, towns, and villages having local health departments may by vote of their local boards of health determine to come under the jurisdiction of the county health department. No part of any expense incurred under this section by a county health department may be levied against any property within any city, village, or town that has a local health department and that has not determined to come under the jurisdiction of the county health department.

• 251.12 of the statutes is amended to read:

251.12 City health department, how financed. The common council shall appropriate funds for the operation of a city health department that is established as specified in s. 251.02 (1) and (2) and (a), for the operation of a multiple municipal

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multiple municipal SECTION 18

local health department that is established under s. 251.02 (3r) by the governing body of a city in concert with the governing body of another city or a village or town, and for the operation of a city of city reper health department that is established under s. 251.02 (2) (b) by the governing body of a city in concert with the governing body of another city or a village.

SECTION 19. 251.125 of the statutes is amended to read:

251.125 Village health department, how financed. If a village health department is established under s. 251.02 (2) (a) or (3m) or, if a multiple municipal local health department is established under s. 251.02 (3r) by the governing body of a village in concert with the governing body of another village or a city or town, or if a village or village village health department is established under s. 251.02 (2) (b), the village board shall appropriate funds for the operation of the department.

SECTION 20. 251.15 (2m) of the statutes is created to read:

251.15 (2m) A city that had established a local health department prior to deciding to participate in a city-village or city-city health department established under s. 251.02 (2) (b) may withdraw from the city pillage of city-city health department if the common council of the city gives written notice to the council of the other participating city or to the village board of the participating village.

SECTION 21. 251.15 (2n) of the statutes is created to read:

251.15 (2n) A village that had established a local health department prior to deciding to participate in a city-village or village-village health department established under s. 251.02 (2) (b) may withdraw from the city-village or village-village health department if the village board of the village gives written

by the governing body of a village in concert with the governing loady of another village or

notice to the common council of the participating city or to the village board of the 1 other participating village. INSERI SECTION 22. 251.15 (3) of the statutes is amended to read: 11-2 251.15 (3) The notice under sub. (1) or, (2), (2m) or (2n) shall be given at least 4 one year prior to commencement of the fiscal year at which the withdrawal takes 5 effect. Whenever the withdrawal of any county or city from a city-county or multiple 6 county health department takes effect, all relevant provisions of law relating to local 7 boards of health and local health officers shall immediately become applicable within 8 (9)the county or, city, for village 10 (END) Withdram 370 W-(

2003–2004 Drafting Insert FROM THE LEGISLATIVE REFERENCE BUREAU

INSERT A

Under current law, in a county with a population of less than 500,000 (all counties except Milwaukee County), a local health department may be a city health department that was established before January 1, 1994, a county health department, or a city-county health department. In Racine County only, a local health department may be a village or town health department or may be a multiple municipal local health department that is established by a city, village, or town in concert with another city, village, or town. In addition, counties may establish multiple county health departments. In Milwaukee County, a local health department may be a city or village health department.

This bill authorizes the governing body of a city or village in Milwaukee County to establish, in concert with the governing body of another city or village in that county, a multiple municipal local health department in a manner that is similar to the establishment of multiple municipal local health departments in Racine County under current law. All the powers and duties of current law for local health departments apply to a multiple municipal local health department that is established under the authorization created in this bill.

INSERT 7-17

SECTION 1. 251.03 (4r) of the statutes is amended to read:

251.03 (4r) Subsections (1) to (4m) do not apply to a city, village or town that establishes a multiple municipal local health department under s. 251.02 (2) (b) or (3r). In establishing a multiple municipal local health department as described under s. 251.02 (2) (b) or (3r), the relevant governing bodies shall agree on how many members of the local board of health are appointed by each governing body and how many of each governing body's appointees shall be members who are not elected officials or employees of the governing body. The members shall be appointed by the relevant governing bodies. A local board of health under this subsection shall elect a chairperson and clerk.

History: 1993 a. 27; 1999 a. 9.

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SECTION 2 251.06 (4) (c) of the statutes is amended to read:

251.06 (4) (c) A local health officer of a village or town health department established under s. 251.02 (3m) and a local health officer of a multiple municipal

- local health department established under s. 251.02 (2) (b) or (3r) shall be appointed
 by the local board of health.

 History: 1993 a. 27 ss. 203, 209, 266, 465; 1993 a. 106; 1995 a. 201; 1997 a. 114; 1999 a. 9.
- 3 SECTION 3 251.15 (title) of the statutes is amended to read:
- 251.15 (title) Withdrawal of counties and, cities, villages, or towns.
- 5 History: 1993 a. 27 s. 220; 2001 a. 16. SECTION 4. 251.15 (2m) of the statutes is created to read:
- 251.15 (2m) After establishing a multiple municipal local health department under s. \$\forall 1.02 (2) (b) or (3r), the governing body of any city, village, or town participating in the multiple municipal local health department may withdraw by giving written notice to the local board of health and to the governing bodies of all other participating cities, villages, and towns.

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-3060/1dn DAK: White

Date

To Representative Stone:

In accordance with our telephone conversation last week, this redraft creates for cities and villages in Milwaukee County the option of establishing multiple municipal local health departments that are treated in the statutes similarly to those in Racine County under current law. The redraft differs somewhat from that of Dick Sweet; the differences are largely technical.

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DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-3060/1dn DAK:kjf:rs

September 4, 2003

To Representative Stone:

In accordance with our telephone conversation last week, this redraft creates for cities and villages in Milwaukee County the option of establishing multiple municipal local health departments that are treated in the statutes similarly to those in Racine County under current law. The redraft differs somewhat from that of Dick Sweet; the differences are largely technical.

Debora A. Kennedy Managing Attorney Phone: (608) 266–0137

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Emery, Lynn

From:

Dake, Marsha

Sent:

Wednesday, September 24, 2003 1:28 PM

To:

LRB.Legal

Subject:

Draft review: LRB 03-3060/1 Topic: Joint local health departments in Milwaukee County

It has been requested by <Dake, Marsha> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-3060/1 Topic: Joint local health departments in Milwaukee County